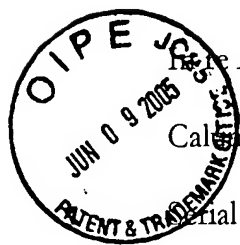


Image

Docket No.: KC-0119

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Here Application of

Calvin John MACKINNON

Serial No.: 10/501,138 ✓

Confirmation No.: 6072

Group Art Unit: 3654

Examiner: Esther O Okezie

Filed: July 13, 2004

Customer No.: 34610

For: RELEASE HOOK

REPLY TO ELECTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In reply to the Election Requirement dated May 20, 2005, Applicant hereby provisionally elects Species 1, which corresponds to Figure 1, with traverse. It is respectfully submitted that claims 1-7, 9, 10 and 15-19 read on the elected species. Further, it is respectfully submitted that claims 1-7 and 15-19 are generic to all the properly identified species.

It is respectfully submitted that the Examiner has not identified proper species of the invention. Specifically, it is respectfully submitted that the pad eyes shown in Figures 5 and 6 do not comprise separate species of the invention. Instead, the pad eyes shown in Figures 5 and 6 could be used in any of the embodiments shown in Figures 1-4.

In a proper Election of Species Requirement, the Examiner identifies different drawing figures which each illustrate mutually exclusive mechanisms for satisfying a single claimed

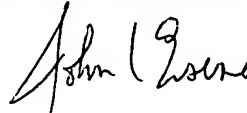
feature. Although Figures 1-4 all illustrate different embodiments which have different gearing mechanisms for operating an ejector lever of a release hook, Figures 5 and 6 do not. Figures 5 and 6 depict pad eyes that could be used in any release hook embodying the invention. The fact that the pad eyes show in Figures 5 and 6 could be used in any of the embodiments shown in Figures 1-4 is evidence that Figures 5 and 6 do not illustrate mutually exclusive alternatives which could be considered separate species. Further, the fact that claims directed to what is shown in Figures 5 and 6 could also read on any of the release hooks shown in Figures 1-4 is further evidence that Figures 5 and 6 do not identify different species. For all the above reasons, withdrawal of the Election Requirement with respect to Figures 5 and 6 is respectfully requested.

It is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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Date: June 9, 2005

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